



Wal-Mart has indicated that Wal-Mart is considering whether to move to dismiss Plaintiff's Second Amended Complaint. Plaintiff will substantively respond to such motion if one is filed.

Date: May 3, 2010

Respectfully submitted,

/s/George Tompkins/  
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**ATTORNEY FOR PLAINTIFF**

#### **CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 3<sup>rd</sup> day of May 2010 with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/George M. Tompkins/